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Letter dated 18 May 2004 from the Chairman of the Commission on the Limits of the Continental Shelf addressed to the President of the fourteenth Meeting of States Parties*

1. It is my honour to address the Meeting of States Parties to the United Nations Convention on the Law of the Sea once again in my capacity as Chairman of the Commission on the Limits of the Continental Shelf, and to inform you about recent developments in the work of the Commission.

2. As you are aware, article 76 of the Convention sets out the definition and the various methods for a coastal State to establish the outer limits of its continental shelf, including beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

3. It may be recalled that the Commission was established to perform two specific functions, as set out in article 3 (1) of annex II to the Convention:

(a) To consider the data and other material submitted by coastal States concerning the outer limits of the continental shelf in areas where those limits extend beyond 200 nautical miles, and to make recommendations in accordance with article 76 and the Statement of Understanding adopted on 29 August 1980 by the Third United Nations Conference on the Law of the Sea;

(b) To provide scientific and technical advice, if requested by the coastal State concerned during the preparation of the data referred to in subparagraph (a).

4. The Commission is currently in a position both to accept further submissions from coastal States and to provide any scientific and technical advice that States preparing submissions may wish to obtain. Further information regarding the provision of advice, including short biographic notes of Commission members with

* The present letter was submitted later than originally scheduled in order to reflect the actual date of the submission made by the Government of Brazil to the Commission on the Limits of the Continental Shelf.

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a brief statement of expertise, is being posted on the Commission's page at the web site of the Division for Ocean Affairs and the Law of the Sea of the United Nations Office of Legal Affairs at www.un.org/Depts/los/clcs_new/clcs_home.htm.

5. In accordance with the provisions of article 76 and annex II, the Commission has received and completed the examination of the first submission from a coastal State, that of the Russian Federation. The Commission formulated its recommendations, which were conveyed to the submitting State and to the Secretary-General on 1 July 2002. Information regarding the consideration of the submission by the Commission, as well as a summary of its recommendations, are contained in the report of the Secretary-General entitled "Oceans and the law of the sea" (A/57/57/Add.1, paras. 27-41).

6. Following the receipt of those recommendations, a letter was addressed to the Chairman of the Commission through the Permanent Mission of the Russian Federation on 3 June 2003 by Mr. Ivan F. Glumov, Deputy Minister for Natural Resources of the Russian Federation. The letter posed a number of questions relating to the Commission's recommendations with regard to the above-mentioned submission.

7. At its thirteenth session, held from 26 to 30 April 2004, the Commission considered a response to that letter and transmitted it to Mr. Glumov through the Permanent Mission of the Russian Federation on 28 April 2004.

8. The Commission continued its work to facilitate and clarify the process of dealing with submissions by coastal States, including a review of its procedural and organizational documents to align and streamline their provisions. The statement of the Chairman on the progress of work in the Commission at its thirteenth session (CLCS/39) contains an account of the review of the Modus Operandi of the Commission (CLCS/L.3) and the internal procedure of the subcommission (CLCS/L.12). Those two documents were combined by the Commission into a document entitled "Modus Operandi for the consideration of a submission made to the Commission on the Limits of the Continental Shelf".

9. Further, the Rules of Procedure were also reviewed during the session and some provisions refined and clarified, in order to reflect better the practice of the Commission. Some provisions in the Modus Operandi were incorporated into the Rules, drawing upon the practical experience gained from receiving and examining a submission, in order to facilitate the application and specify the parameters of certain rules of procedure. The revised Modus Operandi was then added to the Rules of Procedure of the Commission as annex III. The Rules of Procedure, with the annexed Modus Operandi, will be issued as document CLCS/40, thus incorporating into a single document what was originally three separate documents.

10. In accordance with the Modus Operandi, the recommendations of the Commission will now include a summary of those recommendations which the Secretary-General will make public through appropriate United Nations channels.

11. The Commission was informed during the session of the status of a training manual that is being prepared by the Division for Ocean Affairs and the Law of the Sea in cooperation with two coordinators who are members of the Commission. The coordinators have received many contributions from experts, some of whom are also members of the Commission, and have completed a number of the modules for the

manual. The first draft of the manual is expected to be finalized by the end of this year.

12. As you are probably aware, the "Trust Fund for the purpose of facilitating the preparation of submissions to the Commission on the Limits of the Continental Shelf for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the United Nations Convention on the Law of the Sea" was created by the General Assembly in resolution 55/7 of 30 October 2000. The terms of reference, guidelines and rules of this Fund were amended by the General Assembly at its fifty-eighth session in resolution 58/240 of 23 December 2003, and the amendments are contained in the annex to that resolution. That was done to facilitate the use of the Fund by developing coastal States, with priority given to least developed and small island developing States. The Commission would like to call for additional political and financial support for this Trust Fund.

13. Interested developing States, especially least developed States and small island developing States, have applied for assistance from the Fund, and a large number of requests for reimbursement from the Fund for training have been received and are in various stages of completion. In May of this year alone, 11 trainees from developing States were sponsored by the Trust Fund to attend a training course organized to assist their States in preparing submissions to the Commission.

14. A second Trust Fund has also been established to help developing States defray the costs of the participation of members of the Commission from their countries. Three developing States have used the Fund to support participation of their nationals in the Commission at its most recent session.

15. In response to a note verbale from the Division for Ocean Affairs and the Law of the Sea addressed to certain coastal States requesting them to indicate the projected timing of their potential submissions to the Commission, seven States informed the Secretariat that their submissions to the Commission were expected to be completed within the next three years. Brazil delivered its submission to the Secretary-General on 17 May 2004, enabling the Commission to begin consideration of the submission at its fourteenth session, to be held from 30 August to 3 September 2004. Australia notified the Division during informal consultations that it intended to submit data and other information regarding the outer limits of its continental shelf beyond 200 nautical miles before the expiration of its original deadline in 2004.

16. Ireland intends to proceed with its submission in 2005, Norway not before 2006, Namibia in 2007, Pakistan in 2007/2008, and Sri Lanka in 2007. Several other States have replied, indicating that the process of preparing their submissions was under way, but that they were unable to predict a date for their completion at this stage.

17. The Commission would like once again to express its appreciation of the observer status granted to it by the Meeting of States Parties, and to assure the States Parties of its readiness to continue to perform its mandated functions with a view to ensuring that the vision of the drafters of the Convention regarding the role of the Commission in the establishment of the outer limits of the extended continental shelf is fulfilled.

18. I would like to request that the present letter be circulated as an official document of the fourteenth Meeting of States Parties.

(*Signed*) Peter F. **Croker**
Chairman of the Commission on the Limits of the Continental Shelf